

FEDERAL COMMUNICATIONS COMMISSION RULES - PART 73

(e) PERIOD OF RETENTION.

The records specified in paragraph (a)(4) of this section shall be retained for periods specified in §73.1940 (2 years). The manual specified in paragraph (a)(6) of this section shall be retained indefinitely. The letters specified in paragraph (a)(7) of this section shall be retained for the period specified in §73.1202 (3 years). The "significant treatment of community issues" ~~programs~~ list specified in paragraphs (a)(8) and (9) of this section shall be retained for the term of license (5 and 7 years for TV and radio, respectively). The certification specified in paragraph (a)(10) of this section shall be retained for the period specified in §73.3580 (for as long as the application to which it refers). The records specified in paragraphs (a)(1), (2), (3), and (5) of this section shall be retained, as follows:

- (1) The applicant for a construction permit for a new station shall maintain such file so long as the application is pending before the FCC or any proceeding involving that application is pending before the courts. (If the application is granted, paragraph (e)(2) of this section shall apply.) (Added 79-371, 7/9/79)

FEDERAL COMMUNICATIONS COMMISSION RULES - PART 73

- (2) The permittee or licensee shall maintain such a file so long as an authorization to operate the station is outstanding, and shall permit public inspection of the material so long as it is retained by the licensee even though the request for inspection is made after the conclusion of the required retention period specified in this sub-paragraph. However, material which is voluntarily retained after the required retention time may be kept in a form and place convenient to the licensee, and shall be made available to the inquiring party, in good faith after written request, at a time and place convenient to both the party and the licensee.

Applications and related material placed in the file shall be retained for a period of 7 years from beginning with the date the application is that they are tendered for filing with the FCC, with two exceptions: First, engineering material pertaining to a former mode of operation need not be retained longer than 3 years after a station commences operation under a new or modified mode; and second, all of the material shall be retained for whatever longer period is necessary to comply with the following requirements: and ending with the expiration of one license term (five (5) years for television licensees or seven (7) years for radio licensees) or until the grant of the first renewal application of the television or radio broadcast license in question, whichever is later, with two exceptions:

- (i) Material shall be retained until final FCC action on the second renewal application following the application or other material in question. Engineering material pertaining to a former mode of operation need not be retained longer than 3 years after a station commences operation under a new or modified mode; and

FEDERAL COMMUNICATIONS COMMISSION RULES - PART 73

- (ii) Material having a substantial bearing on a matter which is the subject of a claim against the licensee, or relating to an FCC investigation or a complaint to the FCC of which the licensee has been advised, shall be retained until the licensee is notified in writing that the material may be discarded, or, if the matter is a private one, the claim has been satisfied or is barred by statute of limitations. Where an application or related material incorporates by reference material in earlier applications and material concerning programming and related matters (Section IV and related material), the material so referred to shall be retained as long as the application referring to it. If a written agreement is not incorporated in an application tendered for filing with the FCC, the starting date of the retention period for that agreement is the date the agreement is executed. (Added 79-371, 7/9/79)

(f) Copies of any material required to be in the public file of any applicant for a construction permit, or permittee or licensee of any commercial TV or radio station shall be available for machine reproduction upon request made in person, provided the requesting party shall pay the reasonable cost of reproduction. Requests for machine copies shall be fulfilled at a location specified by the applicant, permittee or licensee, within a reasonable period of time which, in no event, shall be longer than seven days unless reproduction facilities are unavailable in the applicant's, permittee's, or licensee's community. The applicant, permittee or licensee is not required to honor requests made by mail, but may do so if it chooses.

[Next Page is No. 680.1]

EXHIBIT NO. 8



EXHIBIT NO. 8

8/22/90

To: JOE BELISLE
From: KIM KEENUM

1114 53rd Ct. South
Mangonia Park, FL 33407
407 844-7601

MR. BELISLE,

THE 2ND PAGE OF THIS FAX IS A COPY OF OUR DELIVERY RECORD. LINE #2 SHOWS WHERE S. MAY SIGNED FOR OUR PKG (AB# 0822005254), HE THEN REFUSED THE PKG

THE COURIER WAS INFORMED BY OUR DISPATCH DEPT THAT THE ABOVE PKG MUST BE LEFT AT RECIPIENT LOCATION (SIGNATURE/VERBAL RELEASE). COURIER RETURNED TO RECIPIENT LOCATION AND LEFT THE PKG.

MR. MAY THEN CALLED THE 1-800 PHONE NUMBER (1-800-238-5355) AND CALLED FOR A PICK-UP. WHEN THE COURIER RETURN TO RECIPIENT'S LOCATION FOR A PICK-UP, THE ABOVE PKG (AB# 0822005254) WAS GIVEN TO OUR COURIER.

Kim Keenum

XPW

ACCURAT. RECORDING PROVIDES
ACCURATE POD

DELIVERY RECORD

RECEIVED IN GOOD
ORDER EXCEPT AS NOTED.
SIGNATURE

Print Name

Sender's Account Number

Package Tracking Number

Recipient Address Pcs Serv

Time

Status

5 May		7443904322	500 Del	1104	1543	7
	0822065254	7443904322	500 Del	1104	1612	2
						3
						4
						5
						6
						7
						8
						9
						10
						11
						12
						13
						14
						15
						16
						17
						18
						19
						20
						21
						22
						23
						24
						25

DEFINITIONS Describe below all exceptions that require clarification. Be certain to indicate line number.

Zip/Postal Code Delivery Point

33477-58

Signature	PURE Delivered Pieces*	PURE Net Stops*	Undelivered Pieces* No. of Pieces that have not received POD	Late Pieces*	MO DAY YEAR Day of Week
222V	MIX 01	MIX 02	0	Late Stops*	08 22 92 WED
					Route Number Station Number Page of
					10 534

© 1988 F.E.C.
PRINTED IN
U.S.A.

EXHIBIT NO. 9

United States of America
Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3000-0110
Expires 8/31/90

15294

APPLICATION FOR RENEWAL OF LICENSE FOR COMMERCIAL AND NONCOMMERCIAL AM, FM OR TV BROADCAST STATION

1. Name of Applicant U.S. Three Broadcasting Corp.		Mailing Address 500 N. Delaware Blvd.	
Call Letters WKSJ (FM)	City Jupiter	State Florida	FEE ANT 30.0058

2. Have the following reports been filed with the Commission: (a) The Annual Employment Reports (FCC Form 398) as required by Section 73.3612 of the Commission's rules? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, attach as Exhibit No. _____ an explanation.		(b) The applicant's Ownership Report (FCC Form 323 or 323-E) as required by Section 73.3615 of the Commission's rules? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, give the following information: Date last ownership report was filed: _____ Call letters of the renewal application with which it was filed: _____		3. Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, attach as Exhibit No. _____ an explanation.	
--	--	---	--	---	--

4. Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made, a consent decree been entered or final action been approved by any court or administrative body with respect to the applicant or parties to the application concerning any civil or criminal suit, action or proceeding brought under the provisions of any federal, state, territorial or local law relating to the following: any felony; lotteries; unlawful restraints or monopolies; unlawful combinations; contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination?
☐ Yes ☒ No If Yes, attach as Exhibit No. _____ a full description, including identification of the court or administrative body, proceeding by file number, the person and matters involved, and the disposition of litigation.

5. Has the applicant placed in its public inspection file at the appropriate times the documentation required by Section 73.3626 or 73.3627 of the Commission's rules?
☒ Yes ☐ No If No, attach as Exhibit No. _____ a complete statement of explanation.

THE APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the public interest of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

THE APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 22nd day of September 19 88

Name of Applicant U.S. Three Broadcasting Corp.

By Signature Robert B. Taylor

Title President/Robert B. Taylor

WILLFUL FALSE STATEMENTS MADE ON THIS FORM
ARE PUNISHABLE BY FINE AND IMPRISONMENT,
U.S. CODE, TITLE 18, SECTION 1001

FCC 303-S
October 1987

United States of America
Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-0110
Expires 8/31/90

880926 UK

APPLICATION FOR RENEWAL OF LICENSE FOR COMMERCIAL AND NONCOMMERCIAL AM, FM OR TV BROADCAST STATIONS

1. Name of Applicant U.S. Two Broadcasting Corp.		Mailing Address 500 N. Delaware Blvd.	
Call Letters WTRU (AM)	City Jupiter	State Florida	ZIP Code 33458
2. Have the following reports been filed with the Commission: (a) The Annual Employment Reports (FCC Form 395) as required by Section 73.3612 of the Commission's rules? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, attach as Exhibit No. _____ an explanation.		(b) The applicant's Ownership Report (FCC Form 323 or 323-E) as required by Section 73.3615 of the Commission's rules? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, give the following information: Date last ownership report was filed. _____ Call letters of the renewal application with which it was filed. _____	
4. Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made, a consent decree been entered or final action been approved by any court or administrative body with respect to the applicant or parties to the application concerning any civil or criminal suit, action or proceeding brought under the provisions of any federal, state, territorial or local law relating to the following: bribery; lotteries; unlawful restraints or monopolies; unlawful combinations; contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, attach as Exhibit No. _____ a full description, including identification of the court or administrative body, proceeding by file number, the person and matters involved, and the disposition of litigation.		3. The applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, attach as Exhibit No. _____ an explanation.	
5. Has the applicant placed in its public inspection file at the appropriate times the documentation required by Section 73.3526 or 73.3527 of the Commission's rules? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, attach as Exhibit No. _____ a complete statement of explanation.		FEE NO: 880926 FEE TYPE: MRY FEE AMT: 33458 JD SEQ: 01	

THE APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

THE APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 22nd day of September 19 88

Name of Applicant U.S. Two Broadcasting Corp.

By Signature Robert B. Taylor

Title President/Robert B. Taylor

WILLFUL FALSE STATEMENTS MADE ON THIS FORM
ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001

ENVIRONMENTAL STATEMENT

Required by Section 1.311 of the Commission's rules.
Submitted with renewal application for:
WTRU (AM), Jupiter, Florida
U.S. Two Broadcasting Corporation
Dated: September 22, 1988

Licensee's statement:

"Workers and the general public will not be exposed to unsafe RF radiation levels because access to the WTRU (AM) antenna site is impeded and highly improbable."

Robert B. Taylor
PRESIDENT
U.S. TWO BROADCASTING CORP.

EXHIBIT NO. 10

Plaintiff James Tucker,

Court Case # Circuit
CL-87-2174-A0
Palm Beach

Defendant U. S. Three Broadcasting, etc.

Attorney J. Terence Mcmanus, Esq.
P.O. Box 14125
North Palm Beach, Fl. 33408

Type of Writ SUMMONS & copy & copy of
complaint

Serve U. S. THREE BROADCASTING
Corp.,

Cost
Service \$ 12.00
Check 0147
pd

Address 500 N. Delaware Blvd.
Jupiter, Fl. 33458

Received this writ on the 26 Day of March A.D. 1987 and served the same on the within named Corporation
Party Garnishee Defendant Witness at M on the day of
J., 19 in Palm Beach County, Florida.

INDIVIDUAL

By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading.

SUBSTITUTE

By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading by leaving the copies at (his/her) usual place of abode with any person residing therein above the age of 15 years, to wit:

(Name and Relationship) and informing the person of the contents thereof (as defined in F.S. 48.031 (1).)

CORPORATE

By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading

to as
of said corporation: in the absence of the President, Vice President, Cashier, Treasurer, Secretary, General Manager, Director, Resident Agent or any officers. (as defined in F.S. 48.081)

WITNESS

By delivering a true copy of this writ with the date and hour of service endorsed thereon by me.

SUBSTITUTE WITNESS

By delivering a true copy of this writ with the date and hour of service endorsed thereon by me at (his/her) usual place of abode, with any person residing therein above the age of 15 years, to wit: and informing the person of the contents thereof.
(Name and Relationship) (as defined in F.S. 48.031 (2).)

POSTING

By posting on the premises located at
a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of Pleadings attached as the above named tenant was not available for personal service.

MISCELLANEOUS

The premises of the radio station appears to be unused for a period of time. The local phone number has been changed to 219/484-0580. I received no answer for another number given in Geo. Beach of 636-3174. Several attempts to reach Mr. McManus & his secretary were negative.

RICHARD P. WILLE, SHERIFF OF PALM BEACH COUNTY, FLORIDA

By Deputy Sheriff

UNEXECUTED

Note Only that service indicated by the X is Applicable to this return - all other portions should not be considered.

EXHIBIT NO. 11

DUPLICATE

RECEIVED

APR 30 1987

FCC
Office of the Secretary

April 30, 1987

Mr. William J. Tricarico
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WKSJ(FM) and WTRU(AM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 1, 1987, U.S. Three Broadcasting Corporation and U.S. Two Broadcasting Corporation, licensees of WKSJ(FM) and WTRU(AM), Jupiter, Florida, advised the Commission that the stations had temporarily suspended operations effective April 1, 1987.

As the Commission's records will reflect, WKSJ(FM) has heretofore operated on Channel 244A (96.7 MHz). In its Second Report and Order in Docket No. 2139, 47 RR 2d 1280 (1980), the Commission changed the Jupiter FM channel assignment from 244A to 296A in order to accommodate a new allotment at Homestead, Florida. The Commission, however, permitted WKSJ to continue to operate on Channel 244 until a permittee for the new Homestead station had been selected. In March of 1986, the Commission issued a construction permit for the Homestead FM station to Radio Intermart Corporation. After extended negotiations between U.S. Three and Radio Intermart concerning reimbursement for the expense U.S. Three will incur in connection with the frequency change necessary to accommodate the new FM station, U.S. Three agreed to vacate Channel 244A. To that end, WKSJ(FM) temporarily suspended operations on April 1, 1987. Because WTRU(AM) simulcasts the WKSJ programming, the AM station also suspended operations on that date. U.S. Three understands that WKSJ may not resume operations on Channel 244 and, consistent with the Commission's 1980 rulemaking decision, the station would be required to resume operations on Channel 296A.

However, on or about February 27, 1987, Silicon East Communications Corporation ("SEC"), licensee of WVTI(FM), Melbourne, Florida submitted a petition for rulemaking to

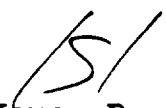
Mr. William J. Tricarico
April 30, 1987
Page 2

permit WVTI to upgrade from Class A to Class C2 facilities. In order to accommodate the WVTI upgrade, SEC proposes that the Commission substitute Channel 258A for the current, but as yet unused, allotment of Channel 296A at Jupiter, Florida. U.S. Three has no objection to the proposed channel substitution, and has this day filed a statement in support of SEC's petition for rulemaking. However, U.S. Three is deeply concerned by the prospect of making two substantial frequency changes, possibly within the space of a few months, in order to accommodate changes in the Table of Allotments proposed by other parties. The licensee's present financial condition does not permit it to absorb the potentially devastating impact of repeated disruptions of its operations and the need to establish, and then reestablish, an identity on a new channel. In addition, U.S. Three respectfully submits, the public interest would not be served by two such rapid changes in the frequency on which WKSJ is required to operate.

Accordingly, it is hereby respectfully requested that WKSJ and its sister AM station, WTRU, be permitted to remain silent pending the Commission's disposition of the SEC petition for rulemaking. U.S. Three and U.S. Two Broadcasting Corporation will undertake to reinstitute service on WKSJ and WTRU expeditiously once it is determined on which frequency the FM station will operate permanently.

Should any question arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,


James R. Bayes
Counsel for WKSJ and WTRU

cc (BY HAND)
Gordon Malick

363

TELEGRAPHIC MESSAGE

NAME OF AGENCY FEDERAL COMMUNICATIONS COMMISSION		PRECEDENCE ACTION: NL INFO: -	SECURITY CLASSIFICATION CONFIDENTIAL MAY 26 1987
ACCOUNTING CLASSIFICATION COLLECT		DATE PREPARED 5/26/87	FILE SENT VIA WESTERN UNION
FOR INFORMATION CALL			
NAME FM BRANCH AUDIO SERVICES DIVISION		PHONE NUMBER 632-7166	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS
THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
<p>TO:</p> <p>U.S. THREE BROADCASTING CORPORATION RADIO STATION W-K-S-Y (FM) (PHONE MAIL) C/O ROBERT TAYLOR WKKE (FM) 2541 GOSHEN ROAD FT. WAYNE, IN 46808 PHONE (219) 484-0580</p> <p>REFERENCE 8920-GDG. RELET BAYES 4-30-87. SPECIAL TEMPORARY AUTHORITY GRANTED THRU 8-1-87 TO REMAIN SILENT PENDING PROPOSED RULEMAKING. NECESSARY MAINTAIN PRESCRIBED LIGHTING. THIS AUTHORITY APPLICABLE TO FM STATION ONLY. AUTHORITY FOR WTRU (AM) MUST BE SECURED FROM AM BRANCH, MASS MEDIA BUREAU.</p> <p>DENNIS WILLIAM, BRANCH CHIEF GLENN GREISMAN, C.I.S. MASS MEDIA BUREAU, FCC</p> <p>cc: EIC MIAMI JAMES R. BAYES, ESQ.</p> <p>lmb/MMB:asd</p>			
		SECURITY CLASSIFICATION	
PAGE NO.	NO. OF PGS.		

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006

JAMES R. BAYES
(202) 429-7064

July 31, 1987

RECEIVED

JUL 29 1987

F.M. BRANCH

Mr. William J. Tricarico
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WKSX(FM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 30, 1987, U.S. Three Broadcasting Corporation, licensee of WKSX(FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida. (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida.) A copy of U.S. Three's April 30 request is attached.

As indicated in the April 30 letter, U.S. Three has already been directed to change frequencies once, from its original Channel 244A to Channel 296A. The licensee's present financial condition does not permit it to absorb the impact of repeated dislocations of its operations and the need to establish, and then reestablish, its identity on a new channel. Consequently, U.S. Three requested authority for WKSX to remain silent pending the Commission's disposition of the Jupiter/Melbourne rulemaking proceeding.

The Commission granted U.S. Three's request by telegram dated May 26, 1987, and granted WKSX special temporary authority to remain silent through August 1, 1987. The Commission's Notice of Proposed Rulemaking in the Jupiter/Melbourne proceeding was not released until July 2, 1987, however, and comments and reply comments are not due until August 24 and September 8, 1987, respectively. Accordingly, U.S. Three remains uncertain as to the channel on which it will ultimately be required to resume permanent

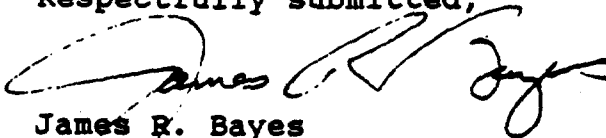
WILEY, REIN & FIELDING

Mr. William J. Tricarico
July 31, 1987
Page 2

operations. Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations still obtain, and requests that its authorization to remain silent be extended pending further developments in the Jupiter/Melbourne rulemaking proceeding. U.S. Three is hopeful that the situation will be clarified by the contents of comments and reply comments, and that once the comment deadline in the rulemaking proceeding has passed, it will be able to take steps toward the prompt resumption of FM service to the Jupiter community.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,



James R. Bayes
Counsel for U.S. Three
Broadcasting Corporation

cc: Dennis Williams (BY HAND)
Glenn Greisman (BY HAND)

DUPLICATE

April 30, 1987

RECEIVED
APR 30 1987
FCC
Office of the Secretary

Mr. William J. Tricarico
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WKSJ(FM) and WTRU(AM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 1, 1987, U.S. Three Broadcasting Corporation and U.S. Two Broadcasting Corporation, licensees of WKSJ(FM) and WTRU(AM), Jupiter, Florida, advised the Commission that the stations had temporarily suspended operations effective April 1, 1987.

As the Commission's records will reflect, WKSJ(FM) has heretofore operated on Channel 244A (96.7 MHz). In its Second Report and Order in Docket No. 2139, 47 RR 2d 1280 (1980), the Commission changed the Jupiter FM channel assignment from 244A to 296A in order to accommodate a new allotment at Homestead, Florida. The Commission, however, permitted WKSJ to continue to operate on Channel 244 until a permittee for the new Homestead station had been selected. In March of 1986, the Commission issued a construction permit for the Homestead FM station to Radio Intermart Corporation. After extended negotiations between U.S. Three and Radio Intermart concerning reimbursement for the expense U.S. Three will incur in connection with the frequency change necessary to accommodate the new FM station, U.S. Three agreed to vacate Channel 244A. To that end, WKSJ(FM) temporarily suspended operations on April 1, 1987. Because WTRU(AM) simulcasts the WKSJ programming, the AM station also suspended operations on that date. U.S. Three understands that WKSJ may not resume operations on Channel 244 and, consistent with the Commission's 1980 rulemaking decision, the station would be required to resume operations on Channel 296A.

However, on or about February 27, 1987, Silicon East Communications Corporation ("SEC"), licensee of WVTI(FM), Melbourne, Florida submitted a petition for rulemaking to

Mr. William J. Tricarico
April 30, 1987
Page 2

permit WVTI to upgrade from Class A to Class C2 facilities. In order to accommodate the WVTI upgrade, SEC proposes that the Commission substitute Channel 258A for the current, but as yet unused, allotment of Channel 296A at Jupiter, Florida. U.S. Three has no objection to the proposed channel substitution, and has this day filed a statement in support of SEC's petition for rulemaking. However, U.S. Three is deeply concerned by the prospect of making two substantial frequency changes, possibly within the space of a few months, in order to accommodate changes in the Table of Allotments proposed by other parties. The licensee's present financial condition does not permit it to absorb the potentially devastating impact of repeated disruptions of its operations and the need to establish, and then reestablish, an identity on a new channel. In addition, U.S. Three respectfully submits, the public interest would not be served by two such rapid changes in the frequency on which WKSJ is required to operate.

Accordingly, it is hereby respectfully requested that WKSJ and its sister AM station, WTRU, be permitted to remain silent pending the Commission's disposition of the SEC petition for rulemaking. U.S. Three and U.S. Two Broadcasting Corporation will undertake to reinstitute service on WKSJ and WTRU expeditiously once it is determined on which frequency the FM station will operate permanently.

Should any question arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,


James R. Bayes
Counsel for WKSJ and WTRU

cc (BY HAND)
Gordon Malick

TELEGRAPHIC MESSAGE

NAME OF AGENCY FEDERAL COMMUNICATIONS COMMISSION		PRECEDENCE ACTION NL INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION COLLECT	DATE PREPARED 5-26-87		FILE
FOR INFORMATION CALL			
NAME FM BRANCH AUDIO SERVICES DIVISION	PHONE NUMBER 632-7166	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

U.S. THREE BROADCASTING CORPORATION
RADIO STATION W-K-S-Y (FM) (PHONE MAIL)
C/O ROBERT TAYLOR WYKE (FM)
2541 GOSHEN ROAD
FT. WAYNE, IN 46808
PHONE (219) 484-0580

REFERENCE 8920-GDG. RELET DATES 4-30-87. SPECIAL TEMPORARY
AUTHORITY GRANTED THRU 8-1-87 TO REMAIN SILENT PENDING
PROPOSED RULEMAKING. NECESSARY MAINTAIN PRESCRIBED LIGHTING.
THIS AUTHORITY APPLICABLE TO FM STATION ONLY. AUTHORITY
FOR WTRU (AM) MUST BE SECURED FROM AM BRANCH, MASS MEDIA BUREAU.

DENNIS WILLIAM, BRANCH CHIEF
GLENN GREISMAN, C.I.S.
MASS MEDIA BUREAU, FCC

SECURITY CLASSIFICATION

PAGE NO.

NO. OF PGS.

TELEGRAPHIC MESSAGE

NAME OF AGENCY FEDERAL COMMUNICATIONS COMMISSION		PRECEDENCE ACTION: RL INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION 000-0000		DATE PREPARED 8-5-87	FILE
FOR INFORMATION CALL			
NAME EN BRANCH/AUDIO SERVICES DIVISION		PHONE NUMBER 634-3034	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS
THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
<p>TO:</p> <p>U.S. FERN BROADCASTING CORPORATION SAVO STATION H K S Y (F M) (PHONE & MAIL) C/O ROBERT TAYLOR WYER (F M) 2541 COTTEN ROAD MT. WYMER, IN. 46806 PHOIA: 219-114-0580</p> <p>REFERENCE 4020-GDC. RELUT RAYTS 7-31-87. TERMS AND CONDITIONS</p> <p>COMMISSION TELEGRAM 5-26-87 EXTENDED THRU 11-1-87.</p> <p>DENNIS WILLIAMS, BRANCH CHIEF WYER BRANCH, C.T.C. 15 ST. ANNE'S CHURCH, WYER</p> <p>RE: WYER TRAIT SAVO H. WYER, WYER.</p> <p>WYER TRAIT</p>			
		SECURITY CLASSIFICATION	
PAGE NO.		NO. OF PGS.	

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006

JAMES R. BAYES
(202) 429-7064

October 30, 1987

RECEIVED

NOV 2 1987

Mr. William J. Tricarico
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FM BRANCH

Re: WKSJ (FM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 30, 1987, U.S. Three Broadcasting Corporation, licensee of WKSJ (FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida. (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida.) The Commission granted U.S. Three's request by telegram dated May 26, 1987, and granted WKSJ special temporary authority to remain silent through August 1, 1987.

By letter dated July 31, 1987, U.S. Three requested that its authorization to remain silent be extended pending further developments in the Jupiter/Melbourne rulemaking proceeding. The Commission granted this request by telegram dated August 3, 1987, and extended the authorization to remain silent through November 1, 1987. A copy of U.S. Three's requests are attached.

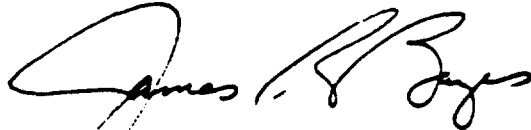
As the rulemaking proceeding necessitating the extension is still ongoing, U.S. Three remains uncertain as to its ultimate channel placement. Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations, and the subsequent extension of that suspension, still obtain. U.S. Three, however, has been advised that the principal impediment to completion of the rulemaking was a competing proposal for allotment of Channel 258A to Tequesta, Florida. U.S. Three has also been advised that the proposal has been withdrawn. U.S. Three is, there-

Mr. William J. Tricarico
October 30, 1987
Page 2

fore, optimistic that the rulemaking will be completed shortly, but respectfully requests that its authorization to remain silent be extended further until the rulemaking proceeding is resolved. Once the issue is finally resolved, U.S. Three will be able to take steps toward the prompt resumption of FM service to the Jupiter community.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,



James R. Bayes
Counsel for U.S. Three
Broadcasting Corporation

JRB/mld
Enclosures

cc: Dennis Williams (BY HAND)
Glenn Greisman (BY HAND)
Robert Taylor